

ADMINISTRATIVE PANEL DECISION

Amundi Asset Management v. Virgile Roquette
Case No. D2024-1197

1. The Parties

The Complainant is Amundi Asset Management, France, represented by Nameshield, France.

The Respondent is Virgile Roquette, France.

2. The Domain Name and Registrar

The disputed domain name <alundi-ee.com> is registered with Register SPA (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 20, 2024. On March 20, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 21, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 22, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on March 26, 2024.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on March 27, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 16, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 17, 2024.

The Center appointed William Lobelson as the sole panelist in this matter on April 23, 2024. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is AMUNDI ASSET MANAGEMENT, an international financial company, that is the owner of:

- The International Trademark AMUNDI No. 1024160 registered on September 24, 2009; and,
- The domain name <amundi-ee.com> registered since September 24, 2009.

The disputed domain name <alundi-ee.com> was registered on March 8, 2024, and resolved to a web page seemingly dedicated to event organization services, under the terms “A LUNDI EVERYTHING EVERYWHERE”. MX servers appear to have been set up, so that it is technically possible to use the disputed domain name for sending emails.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to its earlier trademark, that the Respondent has no rights or legitimate interests in the disputed domain name, and that the disputed domain name has been registered and is being used in bad faith, in particular in relation with a fictitious web site.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

Notwithstanding the default of the Respondent, it remains incumbent on the Complainant to make out its case in all respects under the Rules set out in paragraph 4(a) of the Policy.

Namely, the Complainant must prove that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (paragraph 4(a)(i));
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name (paragraph 4(a)(ii));
- (iii) the disputed domain name has been registered and is being used in bad faith (paragraph 4(a)(iii)).

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([“WIPO Overview 3.0”](#)), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the Complainant's mark AMUNDI and the Complainant's domain name <amundi-ee.com> are recognizable within the disputed domain name <alundi-ee.com>. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy.

See [WIPO Overview 3.0](#), section 1.9.: A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. This stems from the fact that the domain name contains sufficiently recognizable aspects of the relevant mark. Under the second and third elements, panels will normally find that employing a misspelling in this way signals an intention on the part of the respondent (typically corroborated by infringing web site content) to confuse users seeking or expecting the complainant.

Examples of such typos include (i) adjacent keyboard letters, (ii) substitution of similar-appearing characters (e.g., upper vs lower-case letters or numbers used to look like letters), (iii) the use of different letters that appear similar in different fonts, (iv) the use of non-Latin internationalized or accented characters, (v) the inversion of letters and numbers, or (vi) the addition or interspersing of other terms or numbers.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

The Complainant has made a prima facie showing that the Respondent does not have any rights or legitimate interests in the disputed domain name, particularly by asserting that the Respondent is not affiliated with it in any way and that it never authorized the Respondent to use its trademark as part of the disputed domain name.

The Complainant further contends that the Respondent is not known under the disputed domain name and does not make any bona fide or legitimate noncommercial use of the same, being emphasized that the disputed domain name does resolve towards a web page dedicated to an offer for service of events organization, under the terms "A LUNDI EVERYTHING EVERYWHERE".

The Complainant suggests that the web site is fictitious and is not actively exploited, and highlights that said web site does not contain any contact information, legal notices or social media account reference (which is corroborated by screenshots of the Respondent's web site filed in support of the Complaint), and that there exists no company or trademark corresponding to the terms "A LUNDI EVERYTHING EVERYWHERE".

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Complainant has substantiated the fact that its trademark AMUNDI has been registered and used for years, is distinctive and now benefits from a high level of public awareness.

See *Amundi Asset Management v. Whois Privacy Protection Foundation / daniel, clark*, WIPO Case No. [D2019-1335](#) ("the Complainant's AMUNDI trade mark is well known, and has been in use since at least 2009").

Due to the longstanding use and reputation of the Complainant's mark, the Respondent could not reasonably be unaware of the Complainant's rights when it registered the disputed domain name.

In the present case, the Panel also notes that the Respondent has made the choice of adopting a domain name - <alundi-ee.com> - that is highly similar to that of the Complainant's own domain name <amundi-ee.com>, and that the Respondent uses on its web site the very same favicon as the Complainant's.

The above strongly suggests that the Respondent had the Complainant's trademark and domain name in mind when he registered the disputed domain name.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

The Panel observes a number of circumstances in the present matter that suggest bad faith behavior of the Respondent.

The Respondent has adopted a domain name that is almost identical to that of the Complainant, which routes the same to a web site seemingly dedicated to an event organization service, under the slogan "A LUNDI EVERYTHING EVERYWHERE" (which could be alleged to be somehow related to the composition of the disputed domain name <alundi-ee.com>).

However, as substantiated by the Complainant, the Panel notes that no company name or trademark corresponding to those terms were found in the relevant Official Registers. Besides, the registrant of the disputed domain name is not a company named "A LUNDI EVERYTHING EVERYWHERE", but an individual.

The web site screenshots provided by the Complainant show that the Respondent's web site does not feature any contact page, any social media reference, any legal mention, or any possibility to place any kind of order.

The likelihood that the Respondent set up a fictitious web site for the purpose of attempting to justify the registration of the disputed domain name is highly plausible.

The Respondent's web site reproduces the very same favicon as the Complainant's, and it has been established that MX servers were set up. Yet, the e-mail address related to the disputed domain name to which the Complaint was served by the Center appeared to be inactive. Besides, given that the Complainant operates in financial services, the Panel suspects that the registration of the disputed domain name and the setup of MX servers, may have been intended for phishing purposes or similar fraudulent activities (See *Boursorama S.A. v. FG GFGS*, WIPO Case No. [D2023-2729](#)).

Finally, the Panel has been able to observe that the Respondent's web site has now been deactivated, in all likelihood after the Respondent was made aware of the present Complaint.

A Respondent acting in good faith would have presented arguments in response to the Complainant's claims and would not have deactivated his web site.

The Panel finds that the Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <alundi-ee.com> be transferred to the Complainant.

/William Lobelson/
William Lobelson
Sole Panelist
Date: May 3, 2024